

Ministry
of the
Environment

Office of the Minister

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ENV1283MC-2005-248

JUN 03 2005

Ms. Margaret Smith
Save Our St. Clair Alliance
107 Oakwood Avenue
Toronto ON M6H 2W1

Dear Ms. Smith:

Thank you for your interest in the City of Toronto's (City) and the Toronto Transit Commission's (TTC) proposed St. Clair Avenue West Transit Improvements (Project). I welcome your comments on this Project.

Between December 29, 2004 and January 5, 2005, I received four requests, including yours, that the City and TTC be required to prepare an individual environmental assessment for the Project (referred to in the *Municipal Engineers Association Municipal Class Environmental Assessment* (Class EA) as a Part II Order request). I am taking this opportunity to inform you that a decision has been made that an individual environmental assessment is not required. As part of this decision and to ensure that the interests of the community are protected, I am imposing several conditions on the Project.

In making this decision, I have given careful consideration to the Project documentation, the provisions of the Class EA, the issues raised in the requests, and relevant matters to be considered under section 16 of the *Environmental Assessment Act* (EAA). The reasons for my decision are briefly discussed below. The conditions I have imposed are set out in the attached letter to the City and TTC.

The issues and concerns raised by yourself and other Part II Order requesters were extensively reviewed. I am satisfied that the issues and concerns have been addressed by the work done to date by the City and TTC, or will be addressed in future work that is required to be carried out.

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The City and TTC have conducted public consultation in accordance with the requirements of the Class EA. The City and TTC have documented their efforts to address concerns received by members of the public. The decision-making process is traceable, based on the information presented in the ESR.

The proponents have demonstrated that they have adequately considered a range of alternative solutions, including those put forth by the community, and that the preferred solution was determined through an iterative evaluation methodology.

The City and TTC have confirmed the need and rationale for the Project based on the City's projected population growth and efforts to utilize road space more efficiently.

The potential impacts of the Project have been considered throughout the Class EA process by the City and TTC. The City and TTC have developed mitigation measures to address these impacts to the extent possible. The ministry is satisfied that the Project will have an overall environmental benefit to the City. I have imposed conditions that will ensure the City and TTC continues to take into consideration and address stakeholder concerns pertaining to potential impacts throughout the detailed design and construction phases of the Project. These conditions are set out in the attached letter to the City and TTC.

The City and TTC have confirmed that the Project will enhance road accessibility, create a safer environment, and provide for better transit service management, making this Project an effective use of resources.

With this decision having been made, the City and TTC can now proceed with the Project, subject to the conditions I have imposed and any other permits or approvals required. The City and TTC must implement the Project in the manner it was developed and designed, as set out in the ESR, and inclusive of all commitments made during the review of the Part II Order requests, mitigating measures, and environmental and other provisions therein.

Ms. Margaret Smith

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Again, I would like to thank you for participating in the Class EA process and for bringing your concerns to my attention.

Sincerely,

A handwritten signature in black ink that reads "Leona Dombrowsky". The signature is written in a cursive style with a large, stylized 'L' and 'D'.

Leona Dombrowsky
Minister of the Environment

Attachment

- c: Ms. Ulli S. Watkiss, City Clerk, City of Toronto
- Ms. Joanna Musters, Program Manager, City of Toronto
- Mr. Howard Moscoe, Chair, Toronto Transit Commission
- Mr. Mitch Stambler, Manager, Toronto Transit Commission
- Mr. Tony Ruprecht, MPP, Davenport
- Mr. Michael Bryant, MPP, St. Paul's
- EA File No. EA03-03-03 St. Clair Avenue West Transit Improvements

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JUN 03 2005

Ms. Ulli S. Watkiss, City Clerk
City of Toronto
100 Queen Street West, 10th Floor, West Tower
Toronto ON M5H 2N2

Mr. Howard Moscoe, Chair
Toronto Transit Commission
100 Queen Street West, Suite B30
Toronto ON M5H 2N2

Dear Ms. Watkiss and Mr. Moscoe:

Between December 29, 2004 and January 5, 2005, I received four requests from members of the public that the City of Toronto (City) and the Toronto Transit Commission (TTC) be required to prepare an individual environmental assessment for the proposed St. Clair Avenue West Transit Improvements (Project).

I am taking this opportunity to inform you that, based on a review of the Project documentation, the ministry review of the Part II Order requests, and the provisions of the *Municipal Engineers Association Municipal Class Environmental Assessment (Class EA)*, I have decided that an individual environmental assessment is not required.

Based on my review of the matters raised in the Part II Order requests, I note that there are concerns regarding this Project which do warrant additional public consultation and participation in the detail design and construction phases than may normally be carried out for projects of this type. To address this, I am, as part of my decision, imposing several conditions on the Project, as follows:

- 1. The City of Toronto (City) and the Toronto Transit Commission (TTC) shall form a St. Clair Avenue West Transit Community Liaison Committee (Committee) to provide advice on the detail design and construction of the Project. The City and TTC will establish the Committee within 30 days from the date of this letter and prior to commencing construction for the Project.**

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- 2. The Committee representation shall include, as a minimum, representatives from the City and TTC, one representative from each Business Improvement Association within the Project study area, a maximum of five representatives from nearby property residents, and, upon acceptance by invitation from the City and TTC, Mr. John Sewell, Ms. Margaret Smith (Save Our St. Clair Alliance), Mr. David Keith, and Mr. Howard Levine. The selection of the five representatives of property residents will be determined by the Committee. The Committee shall dissolve within one month of the Project's construction having been completed.**

- 3. The purpose and scope of the Committee's activities shall include the following:**
 - a. Participating in meetings to discuss the detail design, implementation and construction for the Project.**

 - b. Providing comments on the Project's design, construction, and operations.**

 - c. Facilitating communication between the City and TTC and the community to assist the City and TTC in its community participation efforts, including identification of opportunities for the City and TTC's participation in or assistance with various community development initiatives.**

- 4. A Terms of Reference for the Committee shall be prepared within the first month of the creation of the Committee and shall set out the purpose and scope of the Committee identified in condition 3, and, amongst other activities, the following:**
 - i. Consideration of the amount of resources required for the administration of the Committee.**

 - ii. Frequency of the meetings.**

 - iii. Development of a dispute resolution mechanism for the Committee to resolve concerns.**

5. **The City and TTC shall:**
 - a. **ensure the community receives timely information about the status of the design and construction of the Project;**
 - b. **hold open houses with the community to bring forward their general interests and concerns about the Project; and,**
 - c. **hold meetings to present and describe in detail to the Committee the mitigation measures for the Project, including the mitigation measures set out in the Environmental Study Report (ESR). Such meetings shall be held prior to commencing construction for the Project.**

6. **The City and TTC shall implement the mitigation measures referred to in condition 3(c) and as stated in the ESR. Within six months of completion of the construction of the St. Clair Avenue West Transit Improvements, the City and TTC shall prepare a report describing how, where, and when these mitigation measures were implemented. The report shall include a description of how comments received about these measures were addressed. When completed, the report shall be submitted to the Director of the Environmental Assessment and Approval Branch (EAAB), Ministry of the Environment. The report and all submissions to EAAB concerning this condition shall form part of the public record for this Project. A statement shall accompany the submission indicating this report is intended to fulfill this condition.**

7. **Upon fulfilment of the above conditions, the City and TTC shall submit a written statement to the Director, Environmental Assessment and Approvals Branch, Ministry of the Environment, indicating when and describing how the above conditions have been fulfilled.**

With this decision having been made, the City and TTC may now proceed with the Project, subject to the conditions I have imposed and any other permits or approvals required. The City and TTC must implement the Project in the manner it was developed and designed, as set out in the ESR and inclusive of all mitigating measures and environmental and other provisions therein.

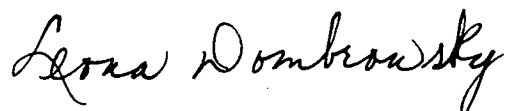
It is understood that, subsequent to the issuance of the ESR for public and agency review, the City and TTC made a number of commitments with respect to protective measures to address environmental impacts, and specifically to address concerns raised in the Part II Order requests. In accordance with the Class EA, it is my expectation that any

Ms. Ulli S. Watkiss and Mr. Howard Moscoe
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commitments made to affected agencies or members of the public will be fulfilled and implemented as part of the proposed Project.

Lastly, I would like to ensure that the City and TTC understands that failure to comply with the *Environmental Assessment Act*, the provisions of the Class EA, and the conditions I have imposed on this Project, and failure to implement the Project in the manner described in the ESR, are contraventions of the *Environmental Assessment Act* and may result in prosecution under section 38 of the Act. I am confident that the City and TTC recognizes the importance and value of the *Environmental Assessment Act* and will ensure that its requirements and those of the Class EA are satisfied.

Sincerely,



Leona Dombrowsky
Minister of the Environment

Attachment

- c: Part II Order Requesters
Ms. Joanna Musters, Program Manager, City of Toronto
Mr. Mitch Stambler, Manager, Toronto Transit Commission
Mr. Tony Ruprecht, MPP, Davenport
Mr. Michael Bryant, MPP, St. Paul's
EA File No. EA03-03-03 St. Clair Avenue West Transit Improvements